

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

RPFC.No. 188 of 2005(Y)

MC.19/2002 of FAMILY COURT, KOLLAM

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PETITIONER/COUNTER PETITIONER:

KRISHNANKUTTY, S/O. RAGHAVAN,
KRISHNALAYAM VEEDU, KOTTACKAPPURAM
KLAPPANA, KARUNAGAPPALLY, KOLLAM.

BY ADV. SRI.B.SURESH KUMAR
SMT.M.A.THASNIM

RESPONDENTS: STATE:

1. GEETHA, D/O. KAVIAMMA,
ENNACKATTU VEEDU, NEELIKKULAM MURY
K.S. PURAM, KARUNAGAPPALLY, KOLLAM.
2. THE STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY ADV. SRI.B.MOHANLAL
SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD
ON 09/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.P.(FC) NO. 188 OF 2005

: 2 :

ORDER ON CRL. M.A. NO. 20024/2005 IN R.P.(FC) NO. 188/2005

DISMISSED

09.03.2007

SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A to Judge.

K.R. UDAYABHANU, J

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R.P.(F.C) NO. 188 OF 2005

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Dated this the 9th day of March 2007

ORDER

The revision petitioner is the counter petitioner in M.C. No.19/2002 filed under section 125 Cr.P.C and under orders to pay maintenance at the rate of Rs.500/- from the date of petition. It is seen that the revision petitioner was exparte in the proceedings before the court below. It is his contention that the petitioner in the M.C. is living with another person and that OP (HMA) No. 465/2001 is pending before the Family Court for divorce.

2. I find that the amounts are due from 11.01.2002 onwards. In the circumstances, the order of the court below will stand set aside on the revision petitioner depositing 50 per cent of the arrears of the amount due before the court below within one month from today onwards and on deposit of the amount the court shall permit the parties to adduce further evidence if they

so desire and dispose of the case on merits. The parties shall appear before Family Court, Kollam on 10.04.2007. The court shall dispose of the matter expeditiously.

K.R. UDAYABHANU, JUDGE.

RV